

means for quickly removing a said component and thereafter replacing said component with a new component, wherein said new component connects to said input/output device via a universal connector.

REMARKS

This amendment is in response to the Office Action dated December 18, 2002.

Referring initially to paragraphs 1-2 of the Office Action, claims 39-46 and 49-51 are rejected under 35 U.S.C. 112, 2nd paragraph as reciting indefinite subject matter. In response to these rejections, claims 39 and 43 have been amended and reconsideration of the rejections thereof is thus respectfully requested. More particularly, although the claim term "substantially" is believed to be "definite" in meaning in view of both Federal Circuit law and MPEP 2173.05(b) (as well as is the use of the term proximal), each of the (claim) paragraphs containing these limitations has been rewritten to delete the terms and the limitations that they modify (in essence, broadening the claims rather than narrowing them) (except as to the limitation "proximal said trigger" in which "proximal" is replaced by "adjacent"). In view of the above amendments, it is believed that claims 39-46 and 49-51 now recite "definite" subject matter and their rejections under 35 U.S.C. 112 are therefore respectfully requested to be withdrawn.

Turning now to the prior art rejections of the claims, as detailed in paragraphs 3-6 of the Office Action, claims 39, 41, 43, and 49-51 are rejected under 35 U.S.C. 103(a) over Gross et al. in view of McCauley, and claims 40, 42, and 44-46 stand rejected over the above references and further in view of Magid et al. Reconsideration of these rejections is respectfully requested.

As amended, independent claims 39 and 43 recite in pertinent part:

"...a control mechanism for positioning a cursor, said control mechanism being so located on a rear facing portion of said grip such that both a right and left handed user can access said control mechanism employing a thumb while maintaining contact with said trigger with a finger..."

As recited, the cursor control mechanism of the invention allows for ambidextrous control of the various software functions of the weapon system while simultaneously allowing the user to maintain a trigger finger in contact with a trigger. McCauley is cited by the Examiner (in combination with the other cited references) to provide the teaching of a cursor control mechanism located on the back or rear facing portion of a weapon grip. However, Applicants have, through a 37 C.F.R. 1.131 declaration submitted herewith, demonstrated a conception and reduction to practice of the recited cursor control mechanism and its location prior to the effective date of the McCauley patent. In this regard, then, McCauley is not prior art citable against the instant application. Therefore, then, because neither Gross et al. or Magid, alone or in combination, teach all of the limitations of independent claims 39 and 43, each of these claims is believed to be patentable and their passage to issuance (as well as all claims dependent thereon) is respectfully solicited.

Lastly, in response to their rejections over the prior art, claims 47-48 have been cancelled.

Although all issues are believed to have been resolved in this case, if any issues remain, the Examiner is invited to contact the undersigned telephonically so that such issues may be resolved most expeditiously.

Respectfully Submitted,

Date:

Matthew A. Pequignot, Reg. No. 43,851
Attorney for Applicant

HALL, PRIDDY, MYERS, & VANDE SANDE
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

Attachments

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

"39(Amended). A portable, wearable, information apparatus for collecting, coordinating, and communicating information, said system being capable of providing real-time situational awareness in armed conflict conditions, said system comprising:

a power supply;

a computer for controlling functions of said apparatus;

a software interface for interacting with said computer;

a display for displaying information processed by said computer;

a weapon communicably connected to said computer, and having a trigger for firing said weapon;

said weapon having a grip for handling said weapon, said grip located adjacent ~~proximal~~ said trigger; and said weapon having a barrel including a bore, said bore having an axis extending longitudinally therethrough;

wherein said software interface is controlled by a weapon mounted cursor control device, said weapon cursor control device comprising:

a control mechanism for positioning a cursor, said control mechanism ~~having an axis extending normally thereto, said control mechanism~~ being so located on said ~~weapon proximal~~ a rear facing portion of said grip such ~~that said axis of said control mechanism is oriented substantially co-parallel to said axis of said weapon bore, said control mechanism further being located~~ such that both

a right and left handed user can access said control mechanism employing a thumb while maintaining contact with said trigger with a finger; and

an actuating mechanism for performing control, selection, and action functions on said software interface.

43(Amended). A portable, wearable, information apparatus for collecting, coordinating, and communicating information, said system being capable of providing real-time situational awareness in armed conflict conditions, said system comprising:

an input/output device for interfacing said computer with components of said system, said components including:

a display for displaying information processed by said computer;

a voiceless, wireless communication means; and

a user position location device;

a power supply;

a computer for controlling functions of said apparatus and having a software interface for interacting with said computer;

wherein said apparatus further includes a weapon communicably connected to said computer, and having a trigger for firing said weapon,

said weapon having a grip for handling said weapon, said grip located adjacent ~~proximal~~ said trigger; and said weapon having a barrel including a bore, said bore having an axis extending longitudinally therethrough;

wherein said software interface is controlled by a weapon mounted cursor control device, said weapon cursor control device comprising:

a control mechanism for positioning a cursor, ~~said control mechanism having an axis extending normally thereto, said control mechanism~~ being so located on ~~said weapon proximal~~ a rear facing portion of said grip such that ~~said axis of said control mechanism is oriented substantially co-parallel to said axis of said weapon bore, said control mechanism further being located~~ such that both a right and left handed user can access said control mechanism employing a thumb while maintaining contact with said trigger with a finger; and

an actuating mechanism for performing control, selection, and action functions on said software interface;

wherein said input/output device comprises:

voltage converters for converting power provided by a power source to voltages compatible with said components of said system, said voltage converters thereafter being capable of transmitting said converted power to said components; and

data relays for routing data between said computer and said components thereby permitting said components and said computer to communicate;

a plurality of universal, plug-in, plug-out connectors for receiving universal connectors of said components, said universal, plug-in, plug-out connectors further providing means for quickly removing a said component and thereafter replacing said component with a new component, wherein said new component connects to said input/output device via a universal connector.